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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,912	09/21/2001	Osamu Kakinuma	212903US3	2653

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/956,912

Applicant(s)

KAKINUMA, OSAMU

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9, 11, 13-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by EPO Patent 0,036,984.

In regard to claim 1, EPO Patent 0,036,984 discloses a branch pipe joint comprising:

A branch pipe joint body 10 having a hollow closed shape 12;

A plurality of communication ports 14, 16 formed in the branch pipe joint body 10;

A plurality of connecting pipes 21, 23, each of which has one end portion 24 fitted to the communication port 14, 16 and another end portion 28, 30 having a fitting portion adapted to be fitted to one of a plurality of pipes (via the threads); and

a common communication port 18 provided in the branch pipe joint body 10;

wherein sizes of at least two of the fitting portions are different from each other (28 and 30 are different sizes).

In regard to claim 2, EPO Patent 0,036,984 discloses a kit for use as a branch pipe joint, comprising:

a branch pipe joint body 10 having a hollow closed shape 12, wherein a common communication port 18 and a plurality of branch communication ports 14, 16 are formed in the branch pipe joint body 10;

a plurality of connecting pipes 21, 23 each of which has one end portion 24 adapted to be fitted to one of the branch communication ports and another end portion 28, 30 having a fitting

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portion adapted to be fitted to one of a plurality of pipes (via the threads), wherein sizes of at least two of the fitting portions 28, 30 are different from each other,

wherein the branch pipe joint body 10 and the connecting pipes 28, 30 are packed in the same package (they are part of the assembly, so they would be shipped together).

In regard to claim 3, the fitting portions 21, 23 have different inner diameters (inner diameter of section 28 is larger than inner diameter of section 30).

In regard to claim 4, the fitting portions 21, 23 have different outer diameters.

In regard to claim 5, the outer diameters 24 of the one end portions of the plurality of connecting pipes 21, 23 are identical to each other.

In regard to claim 6, the one end portions 24 of the plurality of connecting pipes 21, 23 comprises inserting portions 24 having the same shape as each other.

In regard to claim 7, the communication ports 21, 23 are formed in a plurality of projecting portions 14, 16 provided in the branch pipe joint body 10.

In regard to claim 8, inner diameters of the plurality of communication ports are identical to each other (the inner diameters of section 24 in the plurality of communication ports are the same).

In regard to claim 9, the shapes of the plurality of communication ports are identical to each other (the overall shape of 28 and 30 are the same).

In regard to claim 11, a part of the pipes are directly connected to the attaching pipe portions (pipes are directly attached to section 28 or 30 via the threads).

In regard to claim 13, EPO Patent 0,036,984 discloses a method of connecting pipe comprising the steps of:

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Preparing a branch pipe joint body 10 having a hollow shape 12 and a plurality of communication ports 14, 16;

Selecting connecting pipes 21, 23 to be fitted to a plurality of pipes which are to be connected to the branch pipe joint body from a group of various connecting pipes having different inner diameters (28, 30), the connecting pipes and the branch pipe joint body having been packed in one package (they are part of the same assembly, so they would likely be shipped together); and

Connecting the pipes to the branch pipe joint body 10 using the connecting pipes 21, 23 (via the threads 28, 30).

In regard to claim 14, the connecting pipes 21, 23 are selected from a group of connecting pipes each having an identical outer diameter 24 at one end portion thereof.

In regard to claim 16, EPO Patent 0,036,984 discloses a method of connecting pipe comprising the steps of:

Preparing a branch pipe joint body 10 having a hollow shape 12 and a plurality of communication ports 14, 16;

Selecting connecting pipes 21, 23 to be fitted to a plurality of pipes (via threads 28, 30) which are to be connected to the branch pipe joint body 10 from a group of at least one kind of connecting pipes having different inner diameters (28, 30), the connecting pipes 21, 23 and the branch pipe joint body 10 having been packed in one package (they are part of the assembly, so they would be shipped together); and

Connecting a part of the pipes to the branch pipe joint body 10 using the connecting pipes 21, 23, while directly connecting remaining pipes 15 to the branch pipe joint body 10.

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In regard to claim 17, the connecting pipes 21, 23 are selected from a group consisting of connecting pipes, each having an identical outer diameter 24 at one end portion thereof.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over EPO Patent 0,036,984 in view of UK Application 2,072,291. In regard to claim 10, EPO Patent 0,036,984 discloses a branch pipe joint as described above. However, EPO Patent 0,036,984 does not disclose that the communication ports are burred. UK Application '291 teaches creating communication ports 9 formed by attaching pipe portions 7 fixed to rising portions 15 formed by burring opening portions of the branch pipe joint body 1 in order to create a one piece flanged portion 15 which can securely hold the pipe section 7 in place and which will not leak between the joint body and raised portion. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the body of EPO Patent 0,036,984 to include a raised portion created through burring, as taught by UK '291, in order to create a unitary piece to secure the pipe end to which will have less of a chance of leaking.

4. Claims 12, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO Patent 0,036,984 in view of Vander Clute. In regard to claims 12, 15 and 18, EPO Patent 0,036,984 discloses a branch pipe joint as described above. However, EPO Patent 0,036,984 does not disclose that the connecting pipes and pipes are welded to the branch pipe. Vander

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Clute teaches welding connecting pipes 22 and pipes 23 to a branch pipe 20 in order to create a permanent, leak free connection. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the connections of EPO Patent 0,036,984 to welded joints, as taught by Vander Clute, in order to create permanent, leak free connections between the pipe joint members.

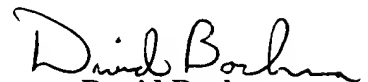
***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coleman et al., Schindele, Offutt, Apblett, Jr., Witter, Nelson, Younger, webb, Nusbaum, Ehnts, Durham, Blanchard, and Nelson all disclose similar couplings common in the art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
David Bochna  
July 15, 2002